

House File 2442 - Introduced

HOUSE FILE 2442
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 2006)

A BILL FOR

1 An Act providing for brain injury policies for certain
2 extracurricular interscholastic activities, and including
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 280.13C, Code 2018, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 **280.13C Concussion and brain injury policies.**

5 1. *Legislative findings.* The general assembly finds and
6 declares all of the following:

7 a. Concussions are one of the most commonly reported
8 injuries in children and adolescents who participate in sports
9 and recreational activities. A concussion is caused by a blow
10 or motion to the head or body that causes the brain to move
11 rapidly inside the skull. The risk of catastrophic injuries or
12 death is significant when a concussion or head injury is not
13 properly evaluated and managed.

14 b. Concussions are a type of brain injury that can range
15 from mild to severe and can disrupt the way the brain normally
16 works. Concussions can occur in any organized or unorganized
17 sport or recreational activity and can result from a fall or
18 from players colliding with each other, the ground, or with
19 obstacles. Concussions can occur with or without loss of
20 consciousness, but the vast majority of concussions occur
21 without loss of consciousness.

22 c. Continuing to play with a concussion or symptoms of a
23 brain injury leaves a young athlete especially vulnerable to
24 greater injury and even death. The general assembly recognizes
25 that, despite having generally recognized return-to-play
26 standards for concussions and head injuries, some affected
27 youth athletes are prematurely returned to play or expected
28 to learn at full capability, resulting in prolonged symptoms,
29 actual or potential physical injury, or death to youth athletes
30 in this state.

31 d. A concussion can impair not only the physical abilities
32 of a student athlete, but can also affect how a student athlete
33 thinks, acts, feels, and learns. A student athlete who has
34 sustained a concussion may need informal or formal adjustments,
35 accommodations, modifications of curriculum, and monitoring

1 by medical or educational staff until the student is fully
2 recovered. To that end, the department of public health, in
3 coordination with the Iowa high school athletic association
4 and the Iowa girls high school athletic union, shall establish
5 and disseminate to all schools in this state a return-to-learn
6 protocol that is based on peer-reviewed scientific evidence
7 consistent with federal guidelines. Furthermore, all schools
8 in this state shall adopt such protocols.

9 2. *Definitions.* For the purposes of this section:

10 a. "*Contest*" means an interscholastic athletic game or
11 competition.

12 b. "*Contest official*" means a referee, umpire, judge, or
13 other official in an athletic contest.

14 c. "*Extracurricular interscholastic activity*" means any
15 extracurricular interscholastic activity, contest, or practice,
16 including sports, dance, or cheerleading.

17 d. "*Licensed health care provider*" means a physician,
18 physician assistant, chiropractor, advanced registered nurse
19 practitioner, nurse, physical therapist, or athletic trainer
20 licensed by a board designated under section 147.13.

21 3. *Training.*

22 a. The department of public health, Iowa high school
23 athletic association, and the Iowa girls high school athletic
24 union shall work together to develop training materials and
25 courses regarding concussions and brain injuries, including
26 training regarding evaluation, prevention, symptoms, risks,
27 and long-term effects of concussions and brain injuries. Each
28 coach or contest official shall complete such training at least
29 every two years.

30 b. Individuals required to complete training pursuant to
31 this subsection shall submit proof of such completion to the
32 board of directors of the school district or the authorities in
33 charge of the accredited nonpublic school within thirty days
34 of such completion.

35 4. *Guidelines and information sheet.*

1 a. The department of public health, Iowa high school
2 athletic association, and the Iowa girls high school athletic
3 union shall work together to distribute the centers for
4 disease control and prevention guidelines and other pertinent
5 information to inform and educate coaches, students, and
6 the parents and guardians of students of the risks, signs,
7 symptoms, and behaviors consistent with a concussion or brain
8 injury, including the danger of continuing to participate in
9 extracurricular interscholastic activities after suffering a
10 concussion or brain injury and their responsibility to report
11 such signs, symptoms, and behaviors if they occur.

12 b. Annually, each school district and nonpublic school
13 shall provide to the parent or guardian of each student a
14 concussion and brain injury information sheet, as provided by
15 the department of public health, the Iowa high school athletic
16 association, and the Iowa girls high school athletic union.
17 The student and the student's parent or guardian shall sign and
18 return a copy of the concussion and brain injury information
19 sheet to the student's school prior to the student's
20 participation in any extracurricular interscholastic activity.

21 5. *Removal from participation.*

22 a. If a student's coach, contest official, or licensed
23 health care provider observes signs, symptoms, or behaviors
24 consistent with a concussion or brain injury in an
25 extracurricular interscholastic activity, the student shall be
26 immediately removed from participation.

27 b. A student who has been removed from participation shall
28 not recommence such participation until the student has been
29 evaluated by a licensed health care provider trained in the
30 evaluation and management of concussions and other brain
31 injuries and the student has received written clearance to
32 return to participation from the licensed health care provider.

33 6. *Return-to-play and return-to-learn protocols.* The
34 department of public health, the department of education, the
35 Iowa high school athletic association, and the Iowa girls

1 high school athletic union shall work together to develop
2 a return-to-play protocol and a return-to-learn protocol,
3 based on peer-reviewed scientific evidence consistent with the
4 guidelines of the centers for disease control and prevention
5 of the United States department of health and human services,
6 for a student's return to participation in an extracurricular
7 interscholastic activity and in the classroom after showing
8 signs, symptoms, or behaviors consistent with a concussion
9 or brain injury. The board of directors of each school
10 district and the authorities in charge of each accredited
11 nonpublic school with enrolled students who participate in an
12 extracurricular interscholastic activity which is a contest in
13 grades seven through twelve shall adopt such protocols.

14 7. *Protective gear.* For school budget years beginning on
15 or after July 1, 2018, the board of directors of each school
16 district and the authorities in charge of each accredited
17 nonpublic school with enrolled students who participate
18 in an extracurricular interscholastic activity which is a
19 contest in grades seven through twelve shall provide students
20 participating in such contests with any protective gear,
21 including but not limited to helmets and pads required for the
22 activity by law, by the rules for such contests, or by Iowa
23 high school athletic association or Iowa girls high school
24 athletic union guidelines. However, an individual student
25 is responsible for other protective gear that the individual
26 student needs but that is not required for participation in the
27 contest as provided in this subsection.

28 8. *Liability.*

29 a. A school district or accredited nonpublic school that
30 fully implements the protocols required by this section and
31 provides a licensed health care provider at an extracurricular
32 interscholastic activity shall not be liable for any claim for
33 injuries or damages based upon the actions or inactions of the
34 licensed health care provider present at the extracurricular
35 interscholastic activity at the request of the school district

1 or accredited nonpublic school so long as the licensed health
2 care provider acts reasonably and in good faith and in the best
3 interest of the student athlete and without undue influence of
4 the school district or accredited nonpublic school or coaching
5 staff employed by the school district or accredited nonpublic
6 school.

7 *b.* A licensed health care provider providing care without
8 compensation for a school district or accredited nonpublic
9 school under this section shall not be liable for any claim for
10 injuries or damages arising out of such care so long as the
11 licensed health care provider acts reasonably and in good faith
12 and in the best interest of the student athlete and without
13 undue influence of the school district or accredited nonpublic
14 school or coaching staff employed by the school district or
15 accredited nonpublic school.

16 9. *Recommendations.* The advisory council on brain
17 injuries established pursuant to section 135.22A shall make
18 recommendations to the governor on the prevention, diagnosis,
19 and treatment of brain injuries in student athletes, including
20 baseline and post-concussion testing and diagnosis of student
21 athletes, return-to-play and return-to-learn guidelines,
22 training for school educators, coaches, athletic directors,
23 and athletic trainers, delivery of post-concussive management
24 services, and ways to integrate education, training, and
25 diagnostic programs into school programs.

26 Sec. 2. *APPLICABILITY.* A person required to complete
27 training pursuant to section 280.13C, subsection 3, as enacted
28 by this Act, has until July 1, 2019, to initially complete such
29 training.

30 Sec. 3. *STATE MANDATE FUNDING SPECIFIED.* In accordance
31 with section 25B.2, subsection 3, the state cost of requiring
32 compliance with any state mandate included in this division
33 of this Act shall be paid by a school district from state
34 school foundation aid received by the school district under
35 section 257.16. This specification of the payment of the state

1 cost shall be deemed to meet all of the state funding-related
2 requirements of section 25B.2, subsection 3, and no additional
3 state funding shall be necessary for the full implementation of
4 this Act by and enforcement of this Act against all affected
5 school districts.

6 EXPLANATION

7 The inclusion of this explanation does not constitute agreement with
8 the explanation's substance by the members of the general assembly.

9 This bill strikes current Code section 280.13C relating
10 to concussion and brain injury policies and creates new Code
11 section 280.13C relating to the same subject.

12 The bill requires the department of public health, the Iowa
13 high school athletic association (IHSAA), and the Iowa girls
14 high school athletic union (IGHSAU) to work together to develop
15 training materials and courses regarding concussions and brain
16 injuries. The bill requires each coach or contest official
17 to complete such training at least every two years. The bill
18 requires individuals required to complete training to submit
19 proof of such completion to the school board or authorities in
20 charge of the accredited nonpublic school within 30 days of
21 such completion. The bill provides that a person required to
22 complete such training has until July 1, 2019, to initially
23 complete the training.

24 The bill requires the department of public health, the
25 IHSAA, and the IGHSAU to work together to distribute the
26 centers for disease control and prevention guidelines and other
27 pertinent information to inform and educate coaches, students,
28 and the parents and guardians of students of the risks, signs,
29 symptoms, and behaviors consistent with a concussion or brain
30 injury. The bill requires each school district and nonpublic
31 school to annually provide to the parent or guardian of each
32 student a concussion and brain injury information sheet, as
33 provided by the department of public health, the IHSAA, and the
34 IGHSAU. The bill requires the student and the student's parent
35 or guardian to sign and return the information sheet to the

1 student's school prior to the student's participation in any
2 extracurricular interscholastic activity.

3 The bill requires that a student be immediately removed from
4 participation in an extracurricular interscholastic activity if
5 the student's coach, contest official, or licensed health care
6 provider observes signs, symptoms, or behaviors consistent with
7 a concussion or brain injury. The bill prohibits a student
8 who has been removed from participation from recommencing
9 such participation until the student has been evaluated by
10 a licensed health care provider trained in the evaluation
11 and management of concussions and other brain injuries and
12 the student has received written clearance to return to
13 participation from the licensed health care provider.

14 The bill requires the department of public health,
15 the department of education, the IHSAA, and the IGHS AU
16 to work together to develop a return-to-play protocol
17 and a return-to-learn protocol for a student's return to
18 participation in an extracurricular interscholastic activity
19 and in the classroom after showing signs, symptoms, or
20 behaviors consistent with a concussion or brain injury. The
21 bill requires the school board and the authorities in charge
22 of each accredited nonpublic school with enrolled students who
23 participate in an extracurricular interscholastic activity
24 which is a contest in grades 7 through 12 to adopt such
25 protocols.

26 The bill requires the school board and the authorities
27 in charge of each accredited nonpublic school with enrolled
28 students who participate in an extracurricular interscholastic
29 activity which is a contest in grades 7 through 12, for school
30 budget years beginning July 1, 2018, to provide students
31 participating in such contests with any protective gear
32 required for the activity by law, by the rules for such
33 contests, or by IHSAA or IGHS AU guidelines. The bill provides
34 that an individual student is responsible for other protective
35 gear that the individual student needs but that is not required

1 for participation in the contest as provided in the bill.

2 The bill provides that a school district or nonpublic school
3 that fully implements the protocols required by the bill and
4 provides a licensed health care provider at an extracurricular
5 interscholastic activity shall not be liable for any claim for
6 injuries or damages based upon the actions or inactions of the
7 licensed health care provider present at the extracurricular
8 interscholastic activity at the request of the school district
9 or nonpublic school so long as the licensed health care
10 provider acts reasonably and in good faith and in the best
11 interest of the student athlete and without undue influence of
12 the school district or accredited nonpublic school or coaching
13 staff employed by the school district or accredited nonpublic
14 school.

15 The bill provides that a licensed health care provider
16 providing care without compensation for a school district or
17 accredited nonpublic school under the bill shall not be liable
18 for any claim for injuries or damages arising out of such care
19 so long as the licensed health care provider acts reasonably
20 and in good faith and in the best interest of the student
21 athlete and without undue influence of the school district or
22 accredited nonpublic school or coaching staff employed by the
23 school district or accredited nonpublic school.

24 The bill requires the advisory council on brain injuries to
25 make certain recommendations to the governor on the prevention,
26 diagnosis, and treatment of brain injuries in student athletes.

27 The bill provides legislative findings.

28 The bill may include a state mandate as defined in Code
29 section 25B.3. The bill requires that the state cost of
30 any state mandate included in the bill be paid by a school
31 district from state school foundation aid received by the
32 school district under Code section 257.16. The specification
33 is deemed to constitute state compliance with any state mandate
34 funding-related requirements of Code section 25B.2. The
35 inclusion of this specification is intended to reinstate the

1 requirement of political subdivisions to comply with any state
2 mandates included in the bill.